

[JOINT FILING — SEE SIGNATURE PAGE FOR COUNSEL]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PartsRiver, Inc., <i>Plaintiff,</i>)	No. 4:09-cv-00811-CW (filed Feb. 25, 2009)
vs.)	
Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation, <i>Defendants.</i>)	JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE CASE MANAGEMENT CONFERENCE UNTIL MARCH 17, 2011
)	[Civil L.R. 6-2 and 7-12]
eBay Inc. and Microsoft Corporation, <i>Plaintiffs,</i>)	No. 4:10-cv-4947-CW (filed Nov. 2, 2010)
vs.)	
PartsRiver, Inc. and Kelora Systems, LLC, <i>Defendants.</i>)	
)	
eBay Inc., <i>Plaintiff and Counterclaim-Defendant,</i>)	No. 4:10-cv-5106-CW (filed Nov. 10, 2010)
vs.)	
PartsRiver, Inc. and Kelora Systems, LLC, <i>Defendants and Counterclaim-Plaintiff.</i>)	
)	
Microsoft Corporation, <i>Plaintiff and Counterclaim-Defendant,</i>)	No. 4:10-cv-5108-CW (filed Nov. 10, 2010)
vs.)	
PartsRiver, Inc. and Kelora Systems, LLC, <i>Defendants and Counterclaim-Plaintiff.</i>)	
)	
Shopzilla, Inc., <i>Plaintiff,</i>)	No. 4:11-cv-00502-CW (filed Feb. 2, 2011)
vs.)	
Kelora Systems, LLC, <i>Defendant.</i>)	

JOINT STIPULATION

The Court recently found that the following five actions are “related” for purposes of Civil L.R. 3-12:

1. **First Action:** *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009).
2. **Previously Related Actions:** Actions previously related per this Court's January 10, 2011, order (09-cv-00811, Dkt. No. 267) : *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010); *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010); *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010).
3. **New Action:** *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4:11-cv-00502-CW (filed Feb. 2, 2011).

Currently, a Case Management Conference (“CMC”) for the First Action and the Initial CMCs for the Previously Related Actions and the New Action are all scheduled for Tuesday, March 15, 2011. Additionally, this Court is scheduled to hear the following three motions to dismiss on Thursday, March 17, 2011:

- PartsRiver and Kelora's motion to dismiss Case No. 10-4947 (Feb. 10, 2011) [Docket No. 17]
- PartsRiver's motion to be dismissed from Case No. 10-5106 (Feb. 10, 2011) [Docket No. 22]
- PartsRiver's motion to be dismissed from Case No. 10-5108 (Feb. 10, 2011) [Docket No. 19]

The parties believe that aligning the dates for the five CMCs and the hearings for the motions to dismiss is more efficient for both the Court and the parties. Moving the five CMCs also adjusts related deadlines under Fed. R. Civ. P. 26(f), Civil L.R. 16-9, and ADR L.R. 3-5. Accordingly, the parties hereby stipulate to the following schedule for the five actions listed above:

<u>Description</u>	<u>Date</u>
10-4947, 10-5106, 10-5108, 11-0502: Last day for parties to: <ul style="list-style-type: none"> • confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties and Counsel • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	Thursday February 24, 2011
10-4947, 10-5106, 10-5108: Last day for eBay and Microsoft to file opposition to motions to dismiss	Thursday February 24, 2011
10-4947, 10-5106, 10-5108: Last day for PartsRiver and Kelora to file reply in support of motions to dismiss	Thursday March 3, 2011
10-4947, 10-5106, 10-5108, 11-0502: Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	Thursday March 10, 2011
09-0811: Last day to file Joint Case Management Statement	Thursday March 10, 2011
10-4947, 10-5106, 10-5108: Hearing on motions to dismiss in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011
10-4947, 10-5106, 10-5108, 11-0502: INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011
09-0811: CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011

The only previous time modifications for the Previously Related Actions was to continue their CMCs to March 15, 2011. There are no previous time modifications for the New Action. As each of the Previously Related Actions and the New Action is at a very early stage and their schedules have not been set by the Court, the requested changes to the case schedules will have no significant effect on the anticipated schedule for the cases.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
2
3

4 Dated: February 18, 2011

By: /s/ Robert D. Becker

5 Robert D. Becker (Bar No. 160648)
6 <rbecker@manatt.com>
7 Ronald S. Katz (Bar No. 85713)
8 <rkatz@manatt.com>
9 Shawn G. Hansen (Bar No. 197033)
10 <shansen@manatt.com>
11 MANATT, PHELPS & PHILLIPS, LLP
12 1001 Page Mill Road, Building 2
13 Palo Alto, CA 94304-1006
14 Telephone: (650) 812-1300
15 Facsimile: (650) 213-0260

16
17
18
19
20
21
22
23
24
25
26
27
28

11 *Counsel for PartsRiver, Inc. and Kelora
Systems, LLC*

1
2 Dated: February 18, 2011

3 By: /s/ Marc R. Ascolese
4

5 David T. Pritikin (*pro hac vice*)
6 <dpritikin@sidley.com>
7 Richard A. Cederoth (*pro hac vice*)
8 <rcederoth@sidley.com>
9 SIDLEY AUSTIN LLP
10 One S. Dearborn Street
11 Chicago, Illinois 60603
12 Telephone: (312) 853-7000
13 Facsimile: (312) 853-7036

14 Theodore W. Chandler (Bar No. 219456)
15 <tchandler@sidley.com>
16 SIDLEY AUSTIN LLP
17 555 West Fifth Street, Suite 4000
18 Los Angeles, California 90013
19 Telephone: (213) 896-6000
20 Facsimile: (213) 896-6600

21 Marc R. Ascolese (Bar No. 251397)
22 <mascolese@sidley.com>
23 SIDLEY AUSTIN LLP
24 555 California Street, Suite 2000
25 San Francisco, California 94104
26 Telephone: (415) 772-1200
27 Facsimile: (415) 772-7400

28 <SF-PartsRiver-MS-eBay@sidley.com>

29 David E. Killough (Bar No. 110719)
30 <davkill@microsoft.com>
31 MICROSOFT CORPORATION
32 One Microsoft Way, 8/2076
33 Redmond, Washington 98052
34 Telephone: (425) 703-8865
35 Facsimile: (425) 869-1327

36 *Counsel for Microsoft Corporation*

1
2 Dated: February 18, 2011

3 By: /s/ Marc R. Ascolese
4

5 David T. Pritikin (*pro hac vice*)
6 <dpritikin@sidley.com>
7 Richard A. Cederoth (*pro hac vice*)
8 <rcederoth@sidley.com>
9 SIDLEY AUSTIN LLP
10 One S. Dearborn Street
11 Chicago, Illinois 60603
12 Telephone: (312) 853-7000
13 Facsimile: (312) 853-7036

14 Theodore W. Chandler (Bar No. 219456)
15 <tchandler@sidley.com>
16 SIDLEY AUSTIN LLP
17 555 West Fifth Street, Suite 4000
18 Los Angeles, California 90013
19 Telephone: (213) 896-6000
20 Facsimile: (213) 896-6600

21 Marc R. Ascolese (Bar No. 251397)
22 <mascolese@sidley.com>
23 SIDLEY AUSTIN LLP
24 555 California Street, Suite 2000
25 San Francisco, California 94104
26 Telephone: (415) 772-1200
27 Facsimile: (415) 772-7400

28 <SF-PartsRiver-MS-eBay@sidley.com>

Counsel for eBay Inc.

1
2 Dated: February 18, 2011

By: /s/ Dan D. Davison

3
4 Dan D. Davison (*pro hac vice*)
5 <ddavison@fulbright.com>
6 FULBRIGHT & JAWORSKI L.L.P.
7 2200 Ross Avenue, Suite 2800
8 Dallas, Texas 75201
9 Telephone: (214) 855-8000
10 Facsimile: (214) 855-8200

11
12 Richard S. Zembek (*pro hac vice*)
13 <rzembek@fulbright.com>
14 Daniel S. Leventhal (*pro hac vice*)
15 <dleventhal@fulbright.com>
16 FULBRIGHT & JAWORSKI L.L.P.
17 1301 McKinney, Suite 5100
18 Houston, Texas 77010
19 Telephone: (713) 651-5151
20 Facsimile: (713) 651-5246

21 John A. O'Malley, (Bar No. 101181)
22 <jomalley@fulbright.com>
23 FULBRIGHT & JAWORSKI L.L.P.
24 555 S. Flower Street, 41st Floor
25 Los Angeles, California 90071
26 Telephone: (213) 892-9200
27 Facsimile: (213) 892-9494

28 <Yahoo@fulbright.com>

Counsel for Yahoo! Inc.

1
2 Dated: February 18, 2011

3 By: /s/ Jordan Trent Jones
4

5 Jordan Trent Jones (Bar No. 166600)
6 <jtjones@jordanjonesiplaw.com>
7 Law Offices of Jordan Trent Jones
8 100 Spear Street, 18th Floor
9 San Francisco, CA 94105
10 Telephone: (415) 357-8940
Facsimile: (415) 371-0500

11 James G. Gilliland Jr. (Bar No. 107988)
12 <jgilliland@kilpatricktownsend.com>
13 KILPATRICK TOWNSEND & STOCKTON LLP
14 Two Embarcadero Center, Eighth Floor
15 San Francisco, California 94111
Telephone: (415) 576-0200
Facsimile: (415) 576-0300

16 Eric M. Hutchins (Bar No. 245462)
17 <ehutchins@kilpatricktownsend.com>
18 Hogene L. Choi (Bar No. 256617)
19 <hchoi@kilpatricktownsend.com>
20 379 Lytton Avenue
21 Palo Alto, CA 94301
22 Telephone: (650) 326-2400
23 Facsimile: (650) 326-2422

24 *Counsel for Shopzilla, Inc.*

SIGNATURE ATTESTATION

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

/s/ Marc R. Ascolese

[PROPOSED] ORDER CONTINUING THE CASE MANAGEMENT CONFERENCE

IT IS HEREBY ORDERED that the following schedule shall apply to Civil Action Nos. 4:09-cv-00811-CW, No. 4:10-cv-4947-CW, 4:10-cv-5106-CW, 4:10-cv-5108-CW, and 4:11-cv-00502-CW:

<u>Description</u>	<u>Date</u>
10-4947, 10-5106, 10-5108, 11-0502: Last day for parties to: <ul style="list-style-type: none"> • confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties and Counsel • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference 	Thursday February 24, 2011
10-4947, 10-5106, 10-5108: Last day for eBay and Microsoft to file opposition to motions to dismiss	Thursday February 24, 2011
10-4947, 10-5106, 10-5108: Last day for PartsRiver and Kelora to file reply in support of motions to dismiss	Thursday March 3, 2011
10-4947, 10-5106, 10-5108, 11-0502: Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	Thursday March 10, 2011
09-0811: Last day to file Joint Case Management Statement	Thursday March 10, 2011
10-4947, 10-5106, 10-5108: Hearing on motions to dismiss in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011
10-4947, 10-5106, 10-5108, 11-0502: INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011
09-0811: CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612, at 2:00 p.m.	Thursday March 17, 2011

1 SO ORDERED.
2
3 Dated: _____
4 CLAUDIA WILKEN
5 United States District Judge
SF1 1670971V.1
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28